

## Hamilton County Board of Zoning Appeals - North District

February 17, 2004

Mr. Kirby called the official meeting of the Hamilton County Board of Zoning Appeals - North District to order at 7:58 p.m.

Members Present: Tim Clark, Frank Habig, Ron Hall, Kristin Johnson, and Gerald Kirby.  
Also present: Charles Kiphart, Director; Randy Leerkamp, Legal Counsel; and Linda Burdett, Secretary.

Declaration of Quorum: Mr. Kirby declared a quorum with five out of five members present.

Guests: See guest sheet.

Communications/Reports: None to present.

Approval of Minutes: Mr. Kirby asked if everyone received the minutes for January 20, 2004.

Mr. Hall **moved to approve** as mailed.

Mrs. Johnson seconded.

With no comments or corrections...Mr. Kirby called for the vote. **5 yes votes...0 no votes.**

New Business: Mr. Kirby continued the meeting with **NBZA-R.V.-0002-01-2004** concerning subdividing a two (2) acre lot into two one (1) acre lots; front yard set-back of 90 ft; and rear yard set-back of 20 ft. Would you please step forward, state your name, and present your case.

**Daniel Ward, of 1346 Mulberry Street, Noblesville**, stated his name and address for the record. It presently has a mobile home, 14 by 80, on one of the acres. We want to keep that and set a double wide and a garage and a pole barn on the other acre.

Mr. Kirby asked Mr. Ward if he currently owned the two acres. (2) How long have you owned it? (3) Do you currently live in the mobile home? (4) The double wide you plan on moving in, will it be rented?

Mr. Ward answered yes. (2) We bought it in July. (3) No. It is rented. (4) No. We intend to move there.

Mrs. Johnson asked about the size of the double wide and the garage.

Mr. Ward answered 30 by 80; 24 by 24 or 24 by 30; and a 30 by 50 or a 30 by 40 pole barn.

Mr. Habig asked if the current mobile home was on a permanent foundation. (2) Is there any reason why it can't be moved over to allow for a square one acre lot.

Mr. Ward answered no. (2) I don't think it would be possible. With the well and septic already set up it would be very impractical to try to make it a square lot.

Mr. Hall asked Mr. Ward to elaborate on why he needed these variances. (2) Everything that is on there right now meets the set-backs and everything else correct? (3) What is the hardship in continuing to use this as a single family residential lot? (4) Did you check to see what could be done there?

Mr. Ward stated that he needed them in order meet the codes and requirements. (2) Yes. (3) We're just out moving up there. (4) No, I didn't.

Mr. Kirby stated that there was a lot of other two acre lots in your area. There are also a lot of one acre lots.

Mr. Habig asked if the proposed modular would share a well or septic.

Mr. Ward stated they could not share the septic but he wasn't sure about the well. I haven't fully checked on it yet.

With no further questions from the Board... Mr. Kirby opened the hearing to the public at 8:14 p.m.

**Andrew Leeman, of 13023 Strawtown Avenue, Noblesville**, stated his name and address for the record. I own the parcel directly west of his property. I have lived in the area for about six years. I have known the Ward family for several years. They have been good people and took care of the place. It's a nice presentable piece of property. I have no objections to what they are trying to do. Thank you.

With no one else from the public stepping forward to address the Board... Mr. Kirby closed the public portion of the hearing at 8:19 p.m.

Mrs. Johnson **moved to approve** the reduction in size from two (2) acres into two one (1) acre lots.

Mr. Kirby seconded.

Mr. Habig stated he didn't feel he had enough information. I don't like the way the lots are being cut up. The other trailer not being on a permanent foundation. I don't know where the septic or the well lies. There is some rearranging that might be able to be done to get within those set-backs. And I don't see any hardship.

Mr. Kirby stated that if the lots were divided equally instead of being "L" shaped it would come to being near what is appropriate with the set-backs and all that.

Mr. Clark stated that if he had a 10 ft. set-back in the back he would meet his front set-back from the road. Then if the property behind him sold in the future they would already know how close the house is.

Mrs. Johnson stated that what concerns her is that it is not what we do today and while he's owning it but in the future if it's sold off it is always going to be unusually shaped.

Mr. Hall asked what the minimum lot split was for an A-3 without a subdivision.

Mr. Kiphart stated that since he bought the property after zoning it would be 10 acres.

Mr. Hall stated that the property is currently being used for how it was zoned. The only reason to subdivide it at all is to put another residential property on there which wouldn't be permitted under the zoning anyway.

Mr. Kirby stated if the mobile home sitting on it right now could be moved over and it was divided to be one square lot and he met all the set-backs and all of that it wouldn't be near that big of a problem.

Mr. Hall stated that what he is wanting to do is not terribly out of character with the rest of this split out area but almost if not all of them were already divided out when the zoning ordinance was adopted. Virtually all these sizes were not a product of the Comprehensive Plan or the zoning ordinance.

Mr. Leerkamp advised the Board that they had the authority to grant a variance, deny a variance, or grant a variance with conditions but you can't change a variance request. The public that didn't show has a right to know what's being requested.

After minimal comments... Mr. Kirby called for the vote. **2 yes votes... 3 no votes.** Mr. Habig, Mr. Hall and Mrs. Johnson voting no.

Old Business: None to present.

Director's Report: None to present.

Legal Counsel Report: Nothing to report.

The next meeting will be Tuesday, March 16, 2004.

With nothing further to come before the Board...Mr. Clark **moved to adjourn.**

Mr. Habig seconded.

With no further discussion...Mr. Kirby called for the vote. **5 yes votes...0 no votes.** Meeting adjourned at 8:43 p.m.

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Gerald Kirby, Chairman

Date

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Linda Burdett, Secretary

Date

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